

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL NO. 1:09cv269
[Criminal Case No. 1:07cr46]**

MICHAEL G. POPE,)	
)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

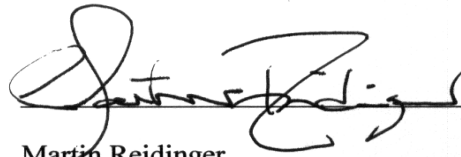
THIS MATTER is before the Court on the Petitioner's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. §2255 (and Affirmation of Petition, Michael G. Pope) [Doc. 1].

In the motion, the Petitioner alleges (1) prosecutorial misconduct, including vindictive prosecution; (2) pre-indictment delay, resulting in due process violations; and (3) ineffective assistance of counsel, including counsel's alleged failure to honor the Petitioner's request for a direct appeal. The Court finds the Government should respond.

IT IS, THEREFORE, ORDERED that on or before forty (40) days from entry of this Order, the United States Attorney shall file response to Petitioner's allegations.

IT IS FURTHER ORDERED that the Clerk of Court shall mail a copy of this Order to the Petitioner and shall notify electronically the United States Attorney.

Signed: November 30, 2009


Martin Reidinger
United States District Judge

